

United States Patent and Trademark Office



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/710,827	08/05/2004	Michael J. MacDonald	FIS920040163	4826
45094 75	90 07/11/2006		EXAMINER	
HOFFMAN, WARNICK & D'ALESSANDRO LLC			DUONG, KHANH B	
75 STATE ST			ART UNIT	PAPER NUMBER
14TH FL			AKTONIT	FAFER NUMBER
ALBANY, NY 12207			2822	
			DATE MAILED: 07/11/2006	6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary		Application No.	Applicant(s)			
		10/710,827	MACDONALD, MICHAEL J.			
		Examiner	Art Unit			
		Khanh B. Duong	2822			
Period fo	The MAILING DATE of this communication app or Reply	pears on the cover sheet with the o	correspondence address			
WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPL' CHEVER IS LONGER, FROM THE MAILING DA nsions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. O period for reply is specified above, the maximum statutory period of the to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tire will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	N. mely filed the mailing date of this communication. ED (35 U.S.C. § 133).			
Status						
1)[\]	Responsive to communication(s) filed on 05 A	uaust 2004				
	This action is FINAL . 2b) ☐ This action is non-final.					
3)	, _					
ت(٥	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
	·	.x pane quayic, 1909 O.D. 11, 4	33 O.G. 213.			
Disposit	ion of Claims					
4)⊠	Claim(s) <u>1-30</u> is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)	Claim(s) is/are allowed.					
6)□	Claim(s) is/are rejected.					
7)	Claim(s) is/are objected to.					
8)⊠	Claim(s) <u>1-30</u>					
are subje	ect to restriction and/or election requirement.					
Applicati	on Papers					
9)☐ The specification is objected to by the Examiner.						
10)	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11)	The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.			
Priority ι	ınder 35 U.S.C. § 119					
	Acknowledgment is made of a claim for foreign All b) Some * c) None of:)-(d) or (f).			
	1. Certified copies of the priority documents					
	2. Certified copies of the priority documents have been received in Application No.					
	3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International Bureau (PCT Rule 17.2(a)).						
" S	See the attached detailed Office action for a list	of the certified copies not receive	∌d .			
Attachmen	t(s)					
_	e of References Cited (PTO-892)	4) Interview Summary	(PTO-413)			
2) 🔲 Notic	e of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ate			
	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	5) Notice of Informal F 6) Other:	Patent Application (PTO-152)			

DETAILED ACTION

This office action is in response to the filing of the application on August 5, 2004.

Accordingly, claims 1-30 are pending.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-16, drawn to a process of polishing a wafer, classified in class 438,
 subclass 692.
- II. Claim 17-30, drawn to a polishing slurry, classified in class 451, subclass 36.The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as polishing stones or rocks (e.g. granites, etc.). See MPEP § 806.05(d).

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Art Unit: 2822

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Duong whose telephone number is (571) 272-1836. The examiner can normally be reached on 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zandra Smith can be reached on (571) 272-2429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2822

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zandra V. Smith
Supervisory Patent Examiner

Page 4